

The changes to the claims are being made solely to conform to U.S. practice and to correct minor typographical errors. The revised and new claims are all fully supported by the specification and claims of the international application and do not in any way constitute new matter.

### **III. Status of the Claims**

At the conclusion of the PCT examination phase, claims 1-36 were pending (see IPER as well as PCT publication, both enclosed). The IPER finds each of claims 1-36 to have unity of invention, and is completely favorable regarding the novelty, inventive step and industrial applicability of all claims.

Presently, no claims have been canceled. Claims 4-8, 11, 13, 15, 16, 18, 19, 21-26, 30, 31 and 36 have been amended to remove multiple dependencies for U.S. practice and to correct very minor typographical oversights. Claims 37-43 have been added, which are fully supported by the original specification. Claims 1-43 are therefore in the case.

### **IV. Support for the Claims**

Aside from removing the multiple dependencies throughout, and introducing very minor corrections, current claims 1-36 represent those at the conclusion of PCT examination essentially in unamended form.

Most of the changes to the revised claims simply remove the multiple dependencies, and such changes are clearly supported by each claim itself. In addition, claim 21 has been revised to correct a typographical error in "a" to "an", and commas have been added to claims 23 and 24.

New dependent method claims 37, 38, 39 and 40 are further supported by original claims 20, 27, 32 and 33, respectively, and globally, by claim 36 in unamended form. New

claims 41-43 reflect certain preferred small cyclic peptides and pharmaceutically acceptable carriers thereof, as supported throughout the original application and page 1, line 27.

It will therefore be understood that no new matter is encompassed by any of the amended or newly presented claims.

**V. Compliance with 37 C.F.R. § 1.121**

Copies of the pending claims are attached hereto as **Exhibit A** and **Exhibit B**. In accordance with 37 C.F.R. § 1.121, the claims have been labeled as "(Amended)" or "(New)", where appropriate. **Exhibit A** provides a clean copy of the pending claims, whereas **Exhibit B** shows the changes with brackets and underlining.

The proper claim for priority has been timely introduced into the specification by amendment of the opening paragraph at page 1. A 200 word Abstract is also introduced into the specification by amendment as a separate page.

The amendments to the opening paragraph at page 1 of the specification and the abstract have been made as "Replacement Sections" in accordance with 37 C.F.R. §§ 1.121(b)(2), 1.77(b)(2) and 1.77(b)(10). This is proper under 37 C.F.R. §§ 1.121(b)(2)(i)(ii)(iii), as the specification contains section headings as provided in 37 C.F.R. § 1.77, and the amendments include the reference, replacement section in clean form and another version of the replacement section separate from the amendment marked up to show all changes (**Exhibit C**).

**VI. Fees and Formalities**

The national filing fee and claim fees are included herewith. The fees have been calculated after the present changes to remove the multiple dependencies throughout the claims. Any

omitted fees should be deducted from Williams, Morgan & Amerson Deposit Account No. 50-0786/4050.001200.

Applicants are entitled to small entity status. An executed declaration to this effect is no longer required by the rules of practice.

## **VII. Conclusion**

Importantly, the IPER issued for the international application holds that all claims meet the requirements for industrial applicability, novelty and inventive step. This is compelling evidence that the present claims have utility and define a novel and non-obvious invention that should be progressed to allowance in the United States.

In light of the positive IPER, Applicants submit that the present case is in condition for allowance and such favorable action is respectfully requested. Should the Examiner have any questions or comments, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,



Shelley P.M. Fussey  
Reg. No. 39,458  
Agent for Applicant

WILLIAMS, MORGAN & AMERSON, P.C.  
7676 Hillmont, Suite 250  
Houston, Texas, 77040  
(713) 934-4079  
Date: March 22, 2001